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McDermott Will & Emery LLP,
William P. Smith, Stephen B. Selbst
and David D. Cleary

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GRAY & ASSOCIATES, LLC in its capacity	:
As Trustee on behalf of the SVCMC	:
Litigation Trust,	:
	:
Plaintiff,	:
	:
v.	:
	:
MCDERMOTT WILL & EMERY LLP,	:
WILLIAM P. SMITH, STEPHEN B. SELBST,	:
and DAVID D. CLEARY,	:
	:
Defendants.	:
	:
	:
-----X	

08 CV 4401

ECF Case

NOTICE OF MOTION

PLEASE TAKE NOTICE THAT Defendants McDermott Will & Emery LLP,
William P. Smith, Stephen B. Selbst, and David D. Cleary shall move the United States District
Court for the Southern District of New York, before the United States District Judge assigned to

this case on a date to be determined by the Court for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the complaint.

Dated: New York, New York
May 15, 2008

Respectfully submitted,

PATTERSON BELKNAP WEBB & TYLER LLP

By:

/s/ Frederick B. Warder III

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